## IAP6 Rec'd PCT/PTO 28 FEB 2006

## ED STATES PATENT AND TRADEMARK OFFICE

ift D. Edmondson, et al. Applicants:

Serial No.

10/558.93

Filed:

November 30, 2005

For: FUSED INDOLES AS DIPEPTIDYL PEPTIDASE

INHIBITORS FOR THE TREATMENT OR

PREVENTION OF DIABETES

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Art Unit: To Be Assigned

Examiner: To Be Assigned

## INFORMATION DISCLOSURE STATEMENT **UNDER 37 CFR 1.97**

Sir:

- 1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined and admission that the information cited in the Statement is, or is considered to be, material to patentability as defined and admission that the information cited in the Statement is, or is considered to be, material to patentability as defined and admission that the information cited in the Statement is, or is considered to be, material to patentability as defined and admission that the information cited in the Statement is, or is considered to be, material to patentability as defined and admission cited in the Statement is a statement in the statement in the statement is a statement in the statement in the statement is a statement in the statement in t in 37 C.F.R. 1.56(b).
- 2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
- Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
- Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

## INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

	RELATED APPLICATION			
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE		
10/540,283	June 20, 2005	21304YP		
10/537,476	June 3, 2005	21288YP		
10/530,215	April 4, 2005	21239YP		
10/542,694	July 19, 2005	21329YP		
10/556,805	November 14, 2005	21404P		

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If th	is is inconvenient, additional copies will be submitted upon request								
6	6. In accordance with 37 C.F.R. 1.97, (check one)								
$\checkmark$	the attached information is filed within three months of the filing da	te of the captioned case.							
	the attached information is filed more than three months after the f $\mbox{\footnote{Mother}{\footno$	iling date but prior to the m	ailing of a first						
	the attached information is filed before the mailing of a first Office a examination under §1.114.	action after the filing of a re	quest for continued						
	the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action, Notice of Allowance, or an action that otherwise closes prosecution in the application. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).								
	each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.								
	each item of information contained in the information disclosure state a foreign patent office in a counterpart application and this communication designated in §1.56(c) more than thirty days prior to the filing of the	nication was not received b	y any individual						
	no item of information contained in this Information Disclosure State foreign patent office in a counterpart foreign application, and, to the after making reasonable inquiry, was known to any individual designanths prior to the filing of this Statement.	e knowledge of the person	signing the certification						
		Respectfully submitted,	Quetto						
		By: Philippe L. Durette	icont(a)						
		Attorney For Appl Reg. No. 35,125	icani(s)						
		MERCK & CO., INC.	<del>_</del>						
		Patent Dept., RY60-30							
		P.O. Box 2000 Rahway, N.J. 07065-0907	,						
		(732)594-4568							
		Date: February 16, 2006							

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	NFORMATION	DIS	CLOSURE	Application Number	10/558,931	
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<b>S</b> .	1 :		PLICANI	First Named Inventor	Scott D. Edmondson, et al.	
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Sheet	1	of	5	Attorney Docket Number	21431P	

		U.S. PA	TENT DOCUMENTS	
Cite No.	U.S. Patent Document Number	Kind Code	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
1	6,699,871 B2		Edmondson et al.	03/02/2004
2	6,011,155		Villhauer	01/04/2000
3	6,166,063		Villhauer	12/26/2000
4	5,939,560		Jenkins et al.	08/17/1999
5	6,303,661 B1		Demuth et al.	10/16/2001
6	6,432,969 B1		Villhauer	08/13/2002
7	4,386,090		Moinet et al	05/31/1983
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	No. 1 2 3 4 5	Cite No. Number  1 6,699,871 B2 2 6,011,155 3 6,166,063 4 5,939,560 5 6,303,661 B1 6 6,432,969 B1	U.S. Patent Document           No.         Number         Kind Code (if known)           1         6,699,871 B2         Image: Code (if known)           2         6,011,155         Image: Code (if known)           3         6,166,063         Image: Code (if known)           4         5,939,560         Image: Code (if known)           5         6,303,661 B1         Image: Code (if known)           6         6,432,969 B1         Image: Code (if known)	Cite No.         Number         Kind Code (of known)         Name of Patentee or Applicant of Cited Document           1         6,699,871 B2         Edmondson et al.           2         6,011,155         Villhauer           3         6,166,063         Villhauer           4         5,939,560         Jenkins et al.           5         6,303,661 B1         Demuth et al.           6         6,432,969 B1         Villhauer

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	8	PCT	WO 03/082817 A2		MERCK & CO., INC.	10/09/2003		
	9	PCT	WO 03/000180 A2		MERCK & CO., INC.	01/03/2003		
	10	РСТ	WO 03/000181 A2		MERCK & CO., INC.	01/03/2003		
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	17	PCT	WO 2004/064778 A2		MERCK & CO., INC.	08/05/2004		

Examiner Signature

Date Considered

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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I	NFORMATION	DIS	CLOSURE	Application Number	10/558,931			
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3	TAIEWENT B	Y AP	PLICANI	First Named Inventor	Scott D. Edmondson, et al.			
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	18	PCT	WO 2004/069162 A2		MERCK & CO., INC.	08/19/2004			
	19	PCT	WO 02/02560 A2		NOVO NORDISK A/S	01/10/2002			
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Examiner Signature Date Considered

<sup>\*</sup>Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Examiner Initials*	Cite No.	Office	Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Cited Document MM-DD-YYYY
	28	PCT	WO 02/02560	A3	NOVO NORDISK	01/10/2002
	29	PCT	WO 01/42262		AKZO NOBEL N.V.	06/14/2001
	30	PCT	WO 2004/043940		MERCK & CO., INC.	05/27/2004
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	37	PCT	WO 2005/002530	A2	SMITHKLINE BEECHAM CORP.	01/09/2003

Examiner Signature	Date Considered	

<sup>\*</sup>Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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INFORMATION DISCLOSURE			Application Number	10/558,931	
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STATEMENT BY APPLICANT		First Named Inventor	Scott D. Edmondson, et al.		
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	38	PCT	WO 2005/056003	A1	GRAFFINITY PHARMACEUTICALS AG	06/23/2005
	39	PCT	WO 2005/056013	A1	GRAFFINITY PHARMACEUTICALS AG	06/23/2005
	40	PCT	WO 2005/108382	A1	MERCK & CO., INC.	11/17/2005
	41	РСТ	WO 2005/116029	A1	MERCK & CO., INC.	12/08/2005
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<sup>\*</sup>Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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INFORMATION DISCLOSURE			CLOSURE	Application Number	10/558,931	
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3	STATEMENT BY APPLICANT	First Named Inventor	Scott D. Edmondson, et al.			
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Sheet	5	of	5	Attorney Docket Number	21431P	
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_	NON PATENT LITERATURE DOCUMENTS
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43	J. J. Holst, "Treatment of Type 2 Diabetes Mellitus with Agonists of the GLP-1 Receptor or DPP-IV Inhibitors", Expert Opin. Emerg. Drugs, Vol. 9(1) pp. 155-166(2004).
44	C. F. Deacon, et al., "Inhibitors of dipeptidyl peptidase IV: A Novel Approach for the Prevention and Treatment of Type 2 Diabetes?", Expert Opin. Investig. Drugs, Vol. 13(9) pp. 1091-1102( 2004).
45	K. Augustyns et al., "Dipeptidyl Peptidase IV Inhibitors as New Therapeutic Agents for the Treatment of Type 2 Diabetes", Expert Opin. Ther. Patents, Vol. 13(4), pp. 499-510(2003).
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47	O. J. Orucker, "Therapeutic potential of dipeptidyl peptidase IV inhibitors for the treatment of type 2 diabetes", Exp. Opin Invest. Drugs, Vol.12, pp. 87-100 (2004).
48	T. P. Vahl & D. A. D'Alessio, "Gut peptides in the treatment of diabetes mellitus" Exp. Opin. Invest. Drugs, Vol. 13, pp. 177-188 (2004).
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52	C. F. Deacon, "Perspectives in Diabetes - Therapeutic Strategies Based on Glucagon-Like Peptide 1", Diabetes, Vol. 53, pp. 2181-2189 (2004).
53	K. Augustyns, et al., "Inhibitors of proline-specific dipeptidyl peptidase: DPP IV inhibitors as a novel approach for the treatment of Type 2 diabetes", Expert Opin. Ther. Patents, Vol. 15(10), pp. 1387-1407 (2005).
54	Hans-Ulrich Demuth, et al., " Type 2 diabetes - Therapy with dipetidyl peptidase IV inhibitors", Biochimica et Biophysica Acta, Vol. 1751, pp., 33-44 (2005).
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Signature	Considered	

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